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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
DARRICK JONATHAN CHAVIS,)
)
Defendant.)
)

No. CR 03-40218 CW

**MOTION AND ~~PROPOSED~~ ORDER
FOR ADDITIONAL TIME FOR THE
UNITED STATES TO RESPOND TO
DEFENDANT'S MOTION
REQUESTING MODIFICATION
ORDER**

The United States respectfully submits the following motion seeking additional time to respond to the defendant's motion to alter the restitution order against him.

1. On October 25, 2004, a Judgment and Commitment was entered against the defendant for his convictions for mail fraud and willfully subscribing to a false tax return. That Judgment and Commitment ordered the defendant to pay restitution in the amount of \$390, 494 to various victims. On August 4, 2011, without prior consultation with the government, the defendant filed a motion requesting modification of the restitution order against him. On August 19, 2011, the defendant served his motion by U.S. Mail on the U.S. Attorney's Office with attention to AUSA Charles B. Burch. Mr. Burch was the original AUSA handling this case,

1 but is no longer with the U.S. Attorney's Office.

2 2. On August 24, 2011, the case was reassigned to the undersigned AUSA.

3 3. On August 25, 2011, the undersigned AUSA called the U.S. Probation Officer
4 assigned to the case, Richard Brown, in order to discuss the case and merits of the defendant's
5 motion. However, the probation officer's voice mail message indicates that he is currently out of
6 the office and will not return until August 29, 2011.

7 4. Also, on August, 25, 2011, the undersigned AUSA called the defendant's attorney
8 to request any and all supporting documentation for the defendant's motion. The defendant's
9 attorney faxed several pages of supporting documentation that were not available on ECF.

10 5. In order to allow the undersigned AUSA sufficient time to review the case file, to
11 consult with the probation officer, and to determine the government's position on the defendant's
12 motion, the government requests that it be allowed to file its response brief on September 16,
13 2011.

14 3. The defendant's attorney indicated that she could not consent to this motion on
15 behalf of her client.

16 DATED: August 26, 2011

Respectfully submitted,

17 MELINDA HAAG
18 United States Attorney

19
20 /s/
21 BRIAN C. LEWIS
22 Assistant United States Attorney

23 **[PROPOSED] ORDER**

24 The government's response brief is due on September 16, 2011.

25 IT IS SO ORDERED.

26
27 DATED: 8/29/2011

28 
CLAUDIA WILKEN
United States District Judge